

**FINDINGS OF CONFORMANCE
MULTIPLE SPECIES CONSERVATION PROGRAM
For the Tavern Road Drainage Improvement Project
Alpine, CA
PWR-1010343**

I. Introduction

The proposed project is replacement and improvement of the drainage facilities at the intersection of Tavern Road and Arnold Way to accommodate the 100-year storm flows. The current drainage facility consists of one corrugated metal pipe (CMP); which is 66" by 45"; which will be replaced by a six foot (6') x three foot (3') double box culvert approximately 127 feet in length. The culvert will also be extended to accommodate the widths of the road required by their GP2020 classification. Other aspects of the project include replacement of the curb and sidewalk, replacement of the headwalls, addition of a guardrail along the northeast and northwest corners of the intersection, the addition of a rip rap energy dissipator at the outfall of the box culvert, and some minor grading. The project will provide for two temporary construction entrances. One for the western (downstream) portion of the project located on the west side of Tavern Road and north of the channel, adjacent to the parking lot of an existing commercial building and one for the eastern (upstream) portion east of Tavern Road and north of the channel, adjacent to the parking lot of the neighboring church. Each construction entrance will be 750 square feet in size.

The project is located within the *Unincorporated Lands within the Metro-Lakeside-Jamul Segment* of the MSCP and does not contain sensitive species or high quality habitat. According to the biological resources report prepared by URS Corp. dated April 11, 2008, one sensitive species; Engelmann Oak was identified within the project site. The project is not located within a Biological Resource Core Area,

The area surrounding the project site is densely developed with residential and commercial uses. The channel upstream of the culvert is unvegetated. Directly downstream of the project is disturbed Coast live oak woodland. Higher quality oak woodland occurs approximately 200 feet downstream of the project; however, the project will not impact this habitat. Eucalyptus trees surround the project site. Implementation of the proposed project will permanently impact 0.013 acre of Army Corps of Engineers (ACOE) non wetland waters and 0.023 acre of unvegetated streambed under the jurisdiction of the California Department of Fish and Game. The project will also impact 0.014 acre of disturbed Coast live oak woodland at the outlet of the culvert. A raptor nest was observed outside of the project area, but will not be impacted.

Permanent impacts to 0.013 acre of ACOE Jurisdictional non-wetland waters and 0.023 acre of CDFG Jurisdictional unvegetated streambed will be mitigated at a ratio of 2:1, through the creation/enhancement of 0.026 acres and 0.046 acres, respectively, of an unvegetated portion of the channel upstream of the proposed project site or at another

suitable location within the same watershed. Mitigation for impacts to disturbed oak woodland will consist of restoration of 0.028 acre of Coast live oak woodland (2:1) or through acquisition of 0.028 acre credit of Tier I habitat within an approved mitigation bank. In addition, three (3) Coast live oaks will be permanently impacted. These trees will be replaced on-site at a ratio of 3:1.

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation
d-CLOW	I	0.10	0.014	2:1	0.028
DEV	IV	0.06	0.06	N/A	-
DIST	IV	0.03	0.03	N/A	-
EW	IV	0.18	0.18	N/A	-
ORN	IV	0.02	0.02	N/A	-
Total:	--	0.14	0.304	--	0.028

The findings contained within this document are based on County records, staff field site visits and the Tavern Road Culvert Improvement Project Biological Report prepared by URS Corporation, dated April 11, 2008. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body, and all MSCP-related conditions placed on the project have been satisfied.

II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

The Impact Area does not qualify as a BRCA since it does not meet any of the following BRCA criteria:

i. The land is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The project area is shown as *Unincorporated Lands with the Metro-Lakeside-Jamul Segment* of the South County Subarea Plan.

ii. The land is located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The proposed project is located at the intersection of Tavern Road and Arnold Way. The project is to replace an existing CMP culvert under Tavern Road with a double box culvert in order to adequately convey existing storm flows. The project area is densely developed with residential and commercial uses. No sensitive species were identified within the project area. A raptor nest was observed on the east side of Arnold Way in a eucalyptus tree; however, the nest did not seem to be active. In addition, the habitat downstream of the existing and proposed culvert is disturbed. Therefore, the project site is not located within an area that contains biological resources that contribute to the long-term survival of sensitive species.

iii. The land is part of a regional linkage/corridor. A regional linkage/corridor is either:

a. Land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale; and contains adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife; or

The site does not contain topography that serves to allow for the movement of all sizes of wildlife. The drainage channel is located within a densely developed portion of Alpine. This portion of the drainage channel is not suitable for use as a wildlife corridor. The drainage channel upstream of the existing culvert is unvegetated and terminates adjacent to a residential neighborhood between Alpine Blvd. and Arnold Way. Although portions of the downstream channel are vegetated, the existing culvert is too small in size to allow for movement of animals other than urban adapted species (i.e. raccoon, opossum, etc).

b. Land that has been identified as the primary linkage/corridor between the northern and southern regional populations of the California

gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)

The land is not located within a primary linkage between the northern and southern populations of the California gnatcatchers. The proposed project is located with a densely developed portion of the unincorporated community of Alpine. In addition, there is no coastal sage scrub within the project site.

- iv. The land is shown on the Habitat Evaluation Map (Attachment J to the BMO) as very high or high and links significant blocks of habitat, except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA.**

The land is shown as developed on the MSCP Habitat Evaluation Map.

- v. The land consists of or is within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.**

The project site is not located within a block of habitat greater than 500 acres, and is not in an area of diverse or undisturbed habitat. The project site is located within a densely developed portion of Alpine, and is surrounded by residential and commercial uses. In addition, the biological technical report prepared by URS Corporation dated April 11, 2008 did not identify any sensitive species except for one Engelmann Oak, within the project footprint.

- vi. The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from the following geologic formations which are known to support sensitive species:**
- a. Gabbroic rock;**
 - b. Metavolcanic rock;**
 - c. Clay;**
 - d. Coastal sandstone**

Sensitive species were not observed within the project site as discussed in the Biological Report for the Tavern Road Drainage Improvement Project, prepared by URS Corp. dated April 11, 2008. In addition the all soils on site are granitic in nature; therefore, the potential for sensitive plant species to be on site is low.

- B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.**

The mitigation site is not considered to be a BRCA. Mitigation for project impacts will consist of creation/restoration of the unvegetated channel upstream of the proposed project or another suitable location; which is not considered to be a BRCA. A raptor nest was observed outside of the project area and will not be impacted. Permanent impacts to 0.013 acre of ACOE Jurisdictional non-wetland waters and 0.023 acre of CDFG Jurisdictional unvegetated streambed will be mitigated at a ratio of 2:1, through the creation/enhancement of 0.026 acres and 0.046 acres, respectively, of an unvegetated portion of the channel upstream of the proposed project site or at another suitable location within the same watershed. Mitigation for impacts to disturbed oak woodland will consist of restoration of 0.028 acre of Coast live oak woodland (2:1) or through acquisition of 0.028 acre credit of Tier I habitat within an approved mitigation bank. In addition, the permanently impacted oaks will be replaced on site at a ratio of 3:1.

III. Biological Mitigation Ordinance Findings

The project is exempt from the BMO (Section 86.503(a)(8)), which states:

A public facility or public project, determined to be essential by the County, including but not limited to a County Park or County recreational facility, provided that the County decision making body considering an application for such a project makes the following findings:

a. The facility or project is consistent with the County General Plan, the MSCP Plan and Subarea Plan, as approved by the Board of Supervisors;

The project is in conformance with the General Plan as it is the replacement of an existing facility. In addition, the project is consistent with the MSCP as it will not adversely affect sensitive species or prevent the assembly of the Preserve.

b. All feasible mitigation measures have been incorporated into the facility or project, and there are no feasible, less environmentally damaging locations, alignments or non-structural alternatives that would meet project objectives;

The project is the replacement of an existing culvert with a larger double box culvert to allow for the conveyance of large storm events. The box culvert will be placed in the same location as the existing culvert pipe. A rip rap energy dissipator will be installed at the culvert outfall to reduce the potential for erosion of the channel due to the velocity of the water as it exits the new culvert. The project will adequately mitigate for project impacts. Permanent impacts to 0.013 acre of ACOE Jurisdictional non-wetland waters and 0.023 acre of CDFG Jurisdictional unvegetated streambed will be mitigated at a ratio of 2:1, through the creation/enhancement of 0.026 acres and 0.046 acres, respectively, of an unvegetated portion of the channel upstream of the proposed project site or at another suitable location within the same watershed. Mitigation for impacts to disturbed oak woodland will consist of restoration of 0.028 acre of Coast live oak woodland (2:1) or through acquisition of 0.028 acre credit of Tier I habitat within an

approved mitigation bank. In addition, the permanently impacted oaks will be replaced on site at a ratio of 3:1.

c. Where the facility or project encroaches into a wetland or floodplain, mitigation measures are required that result in a net gain in wetland and/or riparian habitat;

The project will result in impacts to 0.013 acre of ACOE jurisdictional non-wetland waters and 0.023 acre of CDFG jurisdictional unvegetated streambed. Impacts will be mitigated at a ratio of 2:1 through the creation/enhancement of 0.026 acres and 0.046 acres, respectively, of an unvegetated portion of the channel upstream of the proposed project site or at another suitable location within the same watershed. Mitigation for impacts to disturbed oak woodland will consist of restoration of 0.028 acre of Coast live oak woodland (2:1) or through acquisition of 0.028 acre credit of Tier I habitat within an approved mitigation bank. In addition, the permanently impacted oak will be replaced on site at a ratio of 3:1. Therefore, the project will result in the net gain of jurisdictional waters.

d. Where the facility or project encroaches into steep slopes, native vegetation will be used to revegetate and landscape cut and fill areas;

The project will not encroach into steep slopes.

e. No mature riparian woodland is destroyed or reduced in size due to otherwise allowed encroachments; and

The project will directly impact 0.014 acre of disturbed Coast live oak woodland due to project implementation. Mitigation for impacts to disturbed oak woodland will consist of restoration of 0.028 acre of Coast live oak woodland (2:1) or through acquisition of 0.04 acre credit of Tier I habitat within an approved mitigation bank. In addition, the permanently impacted individual oak will be replaced on site at a ratio of 3:1.

f. All Critical Populations of Sensitive Plant Species Within the MSCP Subarea, (Attachment C); Rare, Narrow Endemic Animal Species Within the MSCP Subarea, (Attachment D); Narrow, Endemic Plant Species Within the MSCP Subarea, (Attachment E); and San Diego County Sensitive Plant Species, as defined herein will be avoided as required by, and consistent with, the terms of the Subarea Plan.

The project will not impact critical populations of sensitive plant species, rare, narrow endemic plant or animal species, or San Diego County sensitive plant species as none were identified within the project footprint.

IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.

The project will not result in impacts to wetlands. However, the proposed project will impact 0.013 acre and 0.023 acre of ACOE non-wetlands waters and CDFG unvegetated streambed (respectively). The impacts will be mitigated at a ratio of 2:1, through the creation/enhancement of 0.026 acres and 0.046 acres, respectively, of an unvegetated portion of the channel upstream of the proposed project site or at another suitable location within the same watershed.

2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.

The proposed project is the replacement of an existing pipe culvert with a double box culvert in order to adequately convey existing storm flows through the area; and will be placed in the same location as the existing culvert. In addition, the project has minimal impacts to jurisdictional waters and disturbed coast live oak woodland. Therefore, the project maximizes structural diversity of conserved habitat areas and provides for the conservation of unique habitats and habitat features because the project provides for the development of disturbed habitats outside of the Preserve and Pre-approved Mitigation Area.

3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.

The proposed project will not impact coastal sage scrub habitat as none exists within the project site. The project will impact approximately 0.014 acre of disturbed Coast live oak woodland due to project implementation, 0.013 acre of ACOE jurisdictional non-wetland waters and 0.023 acre of CDFG unvegetated streambed. Habitat ranked as very high occurs approximately 200 feet downstream of the project. However, the disturbed Coast live oak woodland and jurisdictional waters were not ranked as being of high or very high value on the MSCP Habitat Evaluation Map.

4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.

The project site is characterized as containing disturbed Coast live oak woodland, and unvegetated non-wetland waters. The landscape in the vicinity of the project area has been fragmented and significantly disturbed by construction of residences, property fences, landscaping as well as Tavern Road and Arnold Way. Mitigation for impacts to non-wetland waters will consist of creation and enhancement of the unvegetated channel upstream of the project at a ratio of 2:1, through the creation/enhancement of 0.026 acres and 0.046 acres, respectively, of an unvegetated portion of the channel upstream of the proposed project site or at another suitable location within the same watershed.

Mitigation for impacts to disturbed oak woodland will consist of restoration of 0.028 acre of Coast live oak woodland (2:1) or through acquisition of 0.028 acre credit of Tier I habitat within an approved mitigation bank. In addition, the permanently impacted oaks will be replaced on site at a ratio of 3:1.

5. The project provides for the development of the least sensitive habitat areas.

The project site is the replacement of an existing culvert under Tavern Road. Upstream of the project is an unvegetated portion of the channel. Directly downstream of the project is disturbed Coast live oak woodland. Farther downstream of the proposed project is higher quality oak woodland; however, the project will not impact the higher quality woodland. Therefore, the project provides for the development of the least sensitive habitats.

6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.

Due to a large degree of habitat fragmentation and disturbance at the project site, wildlife diversity and abundance is considered low. The project site provides some roosting for avian species within the disturbed Coast live oak woodland and in the eucalyptus trees; however, higher quality habitat is located farther downstream. The higher quality habitat will not be impacted due to implementation of this project. Project impacts will be mitigated at a ratio of 2:1, through the creation/enhancement of 0.026 acres and 0.046 acres, respectively, of an unvegetated portion of the channel upstream of the proposed project site or at another suitable location within the same watershed. Mitigation for impacts to disturbed oak woodland will consist of restoration of 0.028 acre of Coast live oak woodland (2:1) or through acquisition of 0.028 acre credit of Tier I habitat within an approved mitigation bank. In addition, the permanently impacted oaks will be replaced on site at a ratio of 3:1.

7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.

The project will not impact blocks of habitat of wide-ranging species. The project site is located within the residential unincorporated community of Alpine and is surrounded by urban/developed lands. The project site does not contain large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species.

- 8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.**

The proposed project will not adversely affect critical populations and narrow endemics as none were identified on-site.

- 9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.**

The proposed project is the replacement of an existing culvert under Tavern Road at the intersection of Tavern Road and Arnold Way, within the unincorporated community of Alpine. The new box culvert will be put in the same location as the existing pipe culvert. In addition, the project is not located within or adjacent to the Preserve or Pre-approved Mitigation Area. Therefore, the proposed project will not jeopardize the assembly of the Preserve.

- 10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.**

The proposed project provides drainage improvements to an existing drainage facility and will not result in isolated habitat or increased edge effects to undisturbed habitat. The impacts will be mitigated at a ratio of 2:1, through the creation/enhancement of 0.026 acres and 0.046 acres, respectively, of an unvegetated portion of the channel upstream of the proposed project site or at another suitable location within the same watershed. Mitigation for impacts to disturbed oak woodland will consist of restoration of 0.028 acre of Coast live oak woodland (2:1) or through acquisition of 0.028 acre credit of Tier I habitat within an approved mitigation bank. In addition, the permanently impacted oaks will be replaced on site at a ratio of 3:1. The created/enhanced habitat will be located within a drainage easement, which will prevent property owners from disturbing the habitat. The restoration plan will contain additional measures to reduce edge effects to the created/enhanced habitat.

- 11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.**

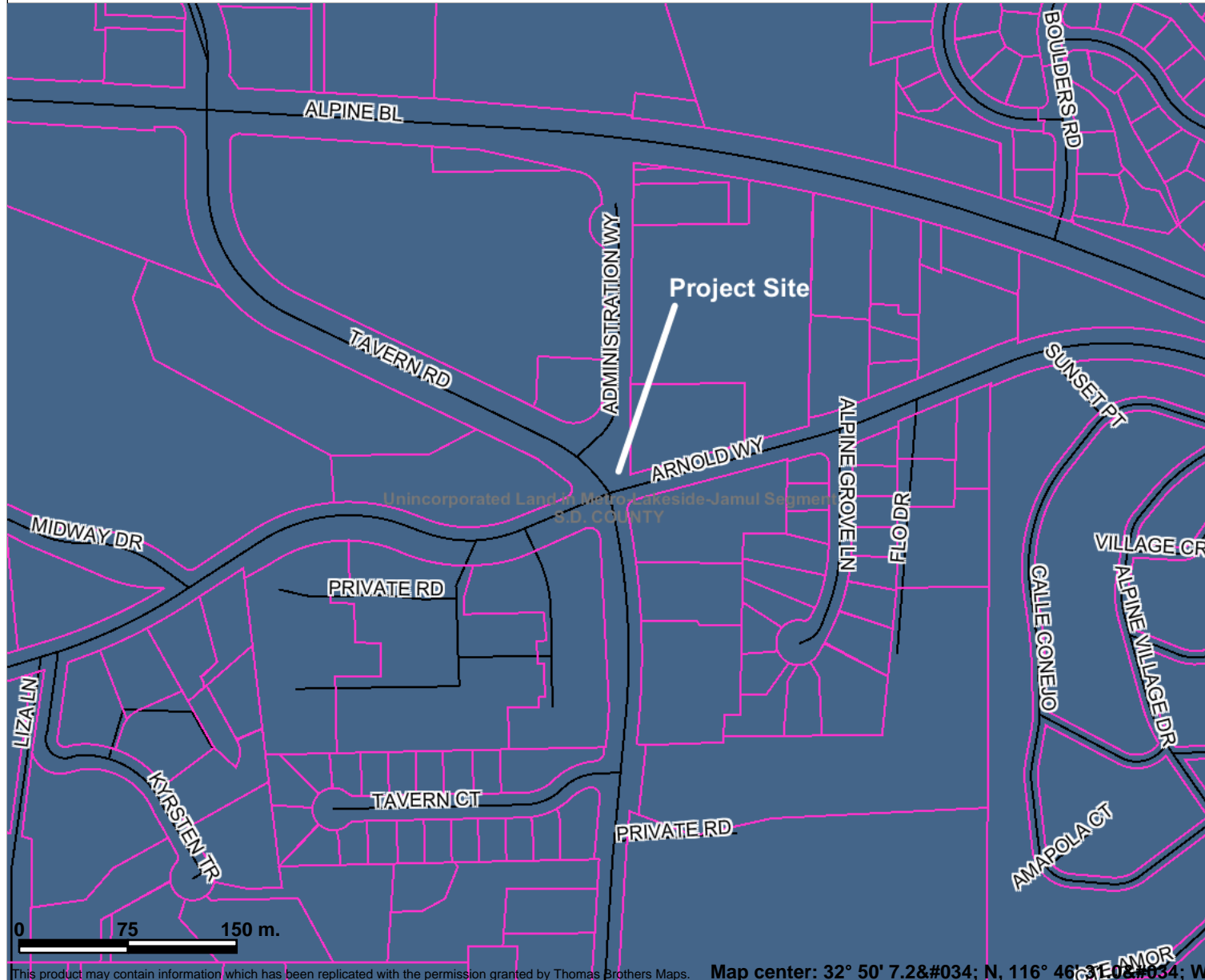
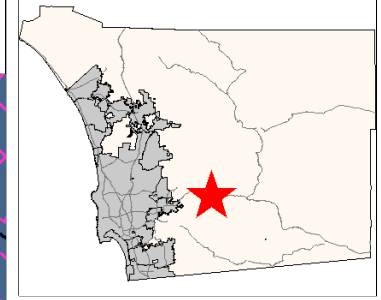
The landscape in the vicinity of the project area has been fragmented and significantly disturbed by the construction of residences, property fences, landscaping, as well as Tavern Road and Arnold Way. The project site is not located within a BRCA. The biological survey and CNDDDB query did not reveal any documented occurrences of sensitive species within the footprint of the project site. Additionally, based on the survey, the project site was observed to consist of habitat that does not support sensitive species.

All feasible mitigation measures have been incorporated into this project. Those measures include mitigating for impacts to jurisdictional waters at ratios consistent with those set forth in the BMO. The County will apply for permits to address these impacts to jurisdictional areas. These permits include a 1602 Streambed Alteration Agreement from CDFG, ACOE 404 Nationwide Permit, and 401 Water Quality Certification from Regional Water Quality Control Board (RWQCB).

No feasible less environmentally damaging alternative could be employed that would allow implementation of this essential public project. Best Management Practices (BMPs) including gravel bags, fiber rolls and silt fencing will be implemented throughout the project site during and after construction. Furthermore, the proposed drainage improvement project will reduce hazard effects and risks by collecting and conveying flood flows under Tavern Road. These improvements will alleviate damages to residential properties from storm events and avoid traffic delays along Tavern Road and Arnold Way due to flooding and road repairs.

Lorrie Bradley, Department of Public Works
April 14, 2008

Tavern Road Drainage Improvement Project - MSCP Designation



Legend

- Parcels w/out labels
- Highways
- Freeways
- Streets
- Water Bodies
- Water Bodies
- MSCP_Designations - South
 - Hardline Preserve
 - Pre-Approved Mitigation Area (PAMA)
 - Major Amendment Area
 - Minor Amendment Area
 - Minor Amendment Area Subject to Special Considerations
 - Conserved Subject to Agreement with Wildlife Agencies
 - Santa Fe Valley Open Space II
 - Santa Fe Valley 'D' Designator
 - Otay Ranch Areas Where No Take Permits will be Issued
 - Take Authorized Area
 - Unincorporated Land in Metro-Lakeside-Jamul Segment
 - Other
- Incorporated Areas
- S.D. COUNTY
- Other

Scale: 1:4,173

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